

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF Nos. 19461, 19720

(Jointly Administered)

**URGENT MOTION OF THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO FOR ENTRY OF ORDER GRANTING ZOOM
VIDEOCONFERENCE LINE CREDENTIALS TO JAY HERRIMAN FOR
THE FEBRUARY 16-17, 2022 CLAIM OBJECTION HEARING**

To the Honorable United States District Judge Laura Taylor Swain:

The Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Debtors pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² respectfully submits this urgent motion (the “Urgent Motion”) for entry of an order providing Jay Herriman, a Managing

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA is codified at 48 U.S.C. §§ 2101–2241.

Director of Alvarez & Marsal North America, LLC (“A&M”), with Zoom videoconference credentials for the February 16-17, 2022 adjourned claim objection hearing (the “February Claim Objection Hearing”).

Jurisdiction and Venue

1. The United States District Court for the District of Puerto Rico (the “Court”) has subject matter jurisdiction over this matter pursuant to section 306(a) of PROMESA. Venue is proper pursuant to PROMESA section 307(a).

2. The statutory basis for the relief requested herein is section 105(a) of the Bankruptcy Code and Bankruptcy Rule 9018, made applicable to these proceedings by PROMESA sections 301(a) and 310, and Local Rule 9018-1 of the Local Bankruptcy Rules for the District of Puerto Rico.

Background

3. On January 10, 2022, the Court entered the *Order Regarding Procedures for Hearings on January 19-20, 2022, and February 16-17, 2022* [ECF No. 19720] (the “Claim Objection Hearing Procedures Order”), establishing procedures for, *inter alia*, the February Claim Objection Hearing.

4. The Oversight Board retained A&M to assist with, among other things, the claims reconciliation and objection processes in the Debtors’ cases filed pursuant to PROMESA, and Mr. Herriman, as a Managing Director of A&M, is one of the persons responsible for that oversight. In that capacity, Mr. Herriman is responsible for leading a team that, among other things, assists the Oversight Board in identifying claims for objection and preparing omnibus objections for filing. Mr. Herriman is also the signatory to various declarations submitted in support of the omnibus objections scheduled for hearing at the February Claim Objection Hearing. Accordingly,

his presence at the February Claim Objection Hearing may be helpful to the Court in responding to any questions the Court may have regarding the objections scheduled for hearing.

Request for Relief

5. The Oversight Board hereby respectfully (i) requests that the Court enter an order, substantially similar in form and substance to that attached herein as **Exhibit A** (the “Proposed Order”), granting this Urgent Motion, and (ii) inform their willingness to, if the Court grants the same, provide an email address to promesaregistration@prd.uscourts.gov, or to any other email address as directed by the Court, for Mr. Herriman to be granted access to the February Claim Objection Hearing.

Basis for Relief

6. In light of the fact that the February Claim Objection Hearing is being conducted remotely, and that each of the matters scheduled for hearing relate to matters with respect to which Mr. Herriman is closely involved, the Oversight Board believes it would be helpful to the Court if Mr. Herriman were available via videoconference during the February Claim Objection Hearing. Indeed, the Court granted similar relief in connection with the claim objection hearings scheduled for January 16-17, 2022. *See Order Granting Urgent Motion of the Financial Oversight and Management Board for Puerto Rico for Entry of Order Granting Zoom Videoconference Line Credentials to Jay Herriman for the January 19-20, 2022 Claim Objection Hearing* [ECF No. 19819].

7. Providing credentials to Mr. Herriman will allow him to monitor the February Claim Objection Hearing, so as to facilitate the Oversight Board’s complete and accurate presentation of the issues. To adequately perform such functions, Mr. Herriman will require his own Zoom credentials to access the February Claim Objection Hearing.

**Certification of Compliance with
Local Rule 9013-1 and the Fifteenth Amended Case Management Procedures**

8. Pursuant to Paragraph I.H of the *Fifteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 17127-1] (the “Case Management Procedures”), the Oversight Board hereby certifies that it: (a) has carefully examined the matter and concluded that there is a true need for urgent relief; (b) has not created the urgency through any lack of due diligence on its part; (c) made a bona fide effort to resolve the matter without seeking leave of Court; and (d) made reasonable, good-faith communications with the Court’s chambers staff in an attempt to resolve or narrow the issues being brought to the Court.

WHEREFORE, the Oversight Board requests the Court enter the Proposed Order and grant such other relief as is just and proper.

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Dated: February 15, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

Hermann D. Bauer

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for Puerto Rico, as representative for
the Debtors*

CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer

Hermann D. Bauer

Exhibit A

Proposed Order

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF Nos. 19461, 19720

(Jointly Administered)

**ORDER GRANTING URGENT MOTION OF THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO FOR ENTRY OF ORDER
GRANTING ZOOM VIDEOCONFERENCE LINE CREDENTIALS TO
JAY HERRIMAN FOR THE FEBRUARY 16-17, 2022
CLAIM OBJECTION HEARING**

Upon the *Urgent Motion of the Financial Oversight and Management Board for Puerto Rico for Entry of an Order Granting Zoom Videoconference Line Credentials to Jay Herriman for the February 16-17, 2022 Claim Objection Hearing* (the “Urgent Motion”);² and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306; and it

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² Capitalized terms used but not otherwise defined herein have the meanings given to them in the Urgent Motion.

appearing that venue in this district is proper pursuant to PROMESA section 307; and the Court having found that the relief requested in the Urgent Motion is in the best interests of the Commonwealth; and the Court having found that the Debtor provided adequate and appropriate notice of the Urgent Motion under the circumstances and that no other or further notice is required; and the Court having reviewed the Urgent Motion; and the Court having determined that the factual bases set forth in the Urgent Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is **HEREBY ORDERED THAT:**

1. The Urgent Motion is granted as set forth herein.
2. The Oversight Board shall provide to the Court, at promesaregistration@prd.uscourts.gov, or any other address as directed by the Court, the email address associated with Mr. Jay Herriman as soon as practicable so that the Court can grant him videoconferencing access to the February Claim Objection Hearing.
3. Mr. Herriman will utilize such videoconferencing access in a manner consistent with the manner described in the Urgent Motion only.

Dated: _____, 2022

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE